

REMARKS

Reconsideration is respectfully requested. Claims 1-4 are present in the application. Claims 1-4 are amended. A translation of the priority application is submitted.

Claims 1-4 are rejected under 35 U.S.C. §112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The rejection is related to the word 'type' appearing in the claims. Applicants delete this word, which should resolve this issue raised by the Examiner.

Regarding the rejections over art, the main reference is JP2003-212700. Applicants submit a translation of the certified copy of the priority Japanese application of 22 July 2003, to perfect the claim of priority. Since the priority date is prior to the date of the JP2003-212700 cited document, it is respectfully submitted that the rejections should be withdrawn, as JP2003-212700 does not qualify as a reference in view of its later publication date, after the priority date of this present application.

Without JP2003-212700, the remaining rejections that rely on it in combination also are believed appropriate to be withdrawn, as the Coleman Powermate alone is insufficient to support the section 103 rejection.

Regarding JP2002-028471, it is respectfully submitted that this document is insufficient to support rejection of the claims. As noted in the background of the present application, the applicants are inventors of JP2002-028471, and the colloidal crystal preparation method set forth in JP2002-028471 as proposed by the inventors on the basis of the prior technologies set forth in them are all found that whether or not they are successfully carried out is heavily dependent on the workmanship of those skilled in the art, and there is still a bottleneck in future developments of colloidal crystals. Such being the case, an object of the present invention is to provide practical means with which, on the basis of the colloidal crystal preparation technology using a flat plate type capillary vessel and syringe manipulation as previously proposed by the inventors, an expert in the art can consistently carry out a series of operations relying exclusively upon manual manipulations, i.e., wherein a colloidal solution is strongly flowed in a flat plate type capillary, followed by hard-stopping of that flow, thereby forming colloidal single crystals, with an improved reproducibility yet without varying with the skill of the expert.

It is accordingly submitted that the present invention would not be obvious in view of the combination of JP2002-028471 with Coleman Powermate. It is applicants' invention that has produced the claimed invention, and it would not be obvious to

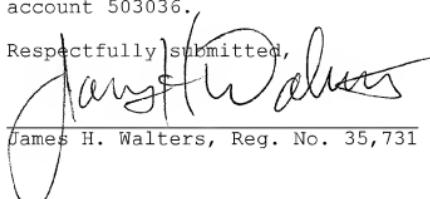
produce the invention by the proposed combination made in the rejection.

The rejection itself is inconsistent on its face. The claims are either rejected over combination of JP2002-028471 either with itself (if one judges by the reference numbers listed) or with JP2002-231980 (if one judges by the name of the reference given). Applicants respectfully traverse. As noted above, it was applicants who noted the shortcomings and need for improvement with the prior art, and respectfully submit that the claims are patentable.

In light of the above noted remarks, this application is believed in condition for allowance and notice thereof is respectfully solicited. The Examiner is asked to contact applicants' attorney at 503-224-0115 if there are any questions.

It is believed that no further fees are due with this filing in that the required fees are being submitted herewith. However, if additional fees are required to keep the application pending, please charge deposit account 503036. If fee refund is owed, please refund to deposit account 503036.

Respectfully submitted,



James H. Walters

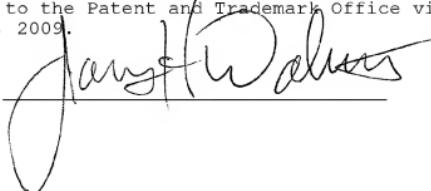
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Appl. No. 10/565,323
Response dated June 30, 2009
Reply to Office action of January 30, 2009

Certification of Electronic Transmission

I hereby certify that this correspondence is being electronically transmitted to the Patent and Trademark Office via the EFS system on this June 30, 2009.

A handwritten signature in black ink, appearing to read "James H. Walker", is written over a horizontal line. The signature is fluid and cursive, with "James" on the left, "H." in the middle, and "Walker" on the right.